# EXHIBIT A

Issued by the

# **United States District Court** DISTRICT OF MASSACHUSETTS

Cycle-Craft, Co., Inc., d/b/a Boston Harley-Davidson/Buell

SUBPOENA IN A CIVIL CASE

CASE NUMBER: Civil Action No. 04-11402 (NMG)

**United States District Court** 

**District of Massachusetts** 

v.

Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC

Kenneth McPhee TO: 19 Temple Drive Methuen, MA 01844

PLACE OF TESTIMONY	COURTROOM 4
John Joseph Moakley U.S. Courthouse 1 Courthouse Way Boston, MA 02210	DATE AND TIME May 24, 2006, 9:00 a.m. and continuing from day to day
YOU ARE COMMANDED to appear at the place, above case.	date, and time specified below to testify at the taking of a deposition in th
PLACE OF DEPOSITION	DATE AND TIME
YOU ARE COMMANDED to produce and permit date, and time specified below (list documents or objects):	inspection and copying of the following documents or objects at the place
PLACE	DATE AND TIME

<sup>&</sup>lt;sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoend or managing agents, or other persons who consent to testify on its person will testify. Federal Rules of Civil Procedure, 30(b)(6).	aed for the taking of a deposition shall designate one or more officers, directors behalf, and may set forth, for each person designated, the matters on which the
Issuing Officer Signature and Title (Indicate if attorney for Plainti	iff or Defendant) Date
Willie J. Beyen	May 1, 2006
Attorney for Defendants Issuing Officer's Name, Address, and Phone Number: William F. Benson, Esq. Bingham McCutchen LLP, 150 Federal Street, Boston, MA 0211	0. Tel: 617-951-8000
(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse) AO 88 (Rev. 1/94) Subpoena in a Civil Case	
PROC	OF OF SERVICE
DATE	PLACE
SERVED May 2nd, 2006	1760 Revere beach Pkwy Everett
SERVED ON (PRINT NAME)	MANNER OF SERVICE
Kenneth McPhee	Personal/in-hand
SERVED BY (PRINT NAME)	TITLE
Chris M. Page	Process Server
DECLARA	ATION OF SERVER
I declare under penalty of perjury under the laws of the United States of A correct.	America that the foregoing information contained in the Proof of Service is true and
No. 201	1-1-
Executed on May 2nd, 2006  DATE	SIGNATURE OF SERVER
	11 Beacon St boston MA 02108

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
  - (i) fails to allow reasonable time for compliance;
  - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
  - (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
    - (iv) subjects a person to undue burden.
  - (B) If a subpoena
  - (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
  - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
  - (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified

conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

# **United States District Court** DISTRICT OF MASSACHUSETTS

Cycle-Craft, Co., Inc., d/b/a Boston Harley-Davidson/Buell

SUBPOENA IN A CIVIL CASE

v.

Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC

TO: Jamie E. McGrath 62 Clifton Avenue Saugus, MA 01906 CASE NUMBER: Civil Action No. 04-11402 (NMG) **United States District Court** District of Massachusetts

YOU ARE COMMANDED to appear in the United State above case.	tes District Court at the place, date, and time specified below to testify in the
PLACE OF TESTIMONY  John Joseph Moakley U.S. Courthouse  1 Courthouse Way  Boston, MA 02210	DATE AND TIME May 30, 2006, 9:00 a.m. and continuing from day to day
PLACE OF DEPOSITION	DATE AND TIME
YOU ARE COMMANDED to produce and permit inst date, and time specified below (list documents or objects):	pection and copying of the following documents or objects at the place,
PLACE	DATE AND TIME

LITDOCS/639098.1

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

YOU ARE COMMANDED to produce and permit insp	ection of the followi	ng premises at the date and time specified below.
PREMISES		DATE AND TIME
Any organization not a party to this suit that is subpoer or managing agents, or other persons who consent to testify on it person will testify. Federal Rules of Civil Procedure, 30(b)(6).	naed for the taking o is behalf, and may so	of a deposition shall designate one or more officers, directors et forth, for each person designated, the matters on which the
Issuing Officer Signature and Title (Indicate if attorney for Plain	ntiff or Defendant)	Date
Will T. Benon		May 10, 2006
Attorney for Defendants  Issuing Officer's Name, Address, and Phone Number: William F. Benson, Esq. Bingham McCutchen LLP, 150 Federal Street, Boston, MA 021	10. Tel: 617-951-8	000
(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse, AO 88 (Rev. 1/94) Subpoena in a Civil Case	) 	
PRO	OF OF SERVI	CE
DATE	PLACE	
SERVED May 10 and 18, 2006	Goodwin P	rocter LLP
SERVED ON (PRINT NAME)	MANN	ER OF SERVICE
James Rehnquist and Christopher Nee on behalf of Ms. McGrath	Elect	ronic Mail and Hand
SERVED BY (PRINT NAME)	TITLE	TOTAL TALL
William F. Benson	Attor	ney
DECLAR	RATION OF SE	RVER
I declare under penalty of perjury under the laws of the United States of	f America that the fores	going information contained in the Proof of Service is true and
correct.	,	
Executed on May 19, 2006	Will	J. Bewon
DATE	SIGNATURE OF	SERVER
,		

150 Federal Street, Boston, MA 02110 ADDRESS OF SERVER

# (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
  - (i) fails to allow reasonable time for compliance;
  - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
  - (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
    - (iv) subjects a person to undue burden.
  - (B) If a subpoena
  - (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
  - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
  - (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified

conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# Issued by the

# **United States District Court** DISTRICT OF MASSACHUSETTS

Cycle-Craft, Co., Inc., d/b/a Boston Harley-Davidson/Buell

SUBPOENA IN A CIVIL CASE

V.

Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC

TO: Sean Walsh

X

c/o Kelly's House of Harley-Davidson

1 Chelmsford Road

North Billerica, MA 01862

Civil Action No. 04-11402 (NMG) CASE NUMBER:1 **United States District Court District of Massachusetts** 

YOU ARE COMMANDED to appear in the United S above case.	tates District Court at the place, date, and time specified below to testify in th
PLACE OF TESTIMONY	COURTROOM 4
John Joseph Moakley U.S. Courthouse	DATE AND TIME
1 Courthouse Way Boston, MA 02210	May 26, 2006, 9:00 a.m. and continuing from day to day
☐ YOU ARE COMMANDED to appear at the place, da above case.	ate, and time specified below to testify at the taking of a deposition in th
PLACE OF DEPOSITION	DATE AND TIME
YOU ARE COMMANDED to produce and permit in date, and time specified below (list documents or objects):	spection and copying of the following documents or objects at the place
PLACE	DATE AND TIME

<sup>&</sup>lt;sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

YOU ARE COMMANDED to produce and permit inspection of to PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the or managing agents, or other persons who consent to testify on its behalf, a person will testify. Federal Rules of Civil Procedure, 30(b)(6).	ne taking of a deposition shall designate one or more officers, directors and may set forth, for each person designated, the matters on which the
Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Def	fendant) Date
Attorney for Defendants	May 16, 2006
Issuing Officer's Name, Address, and Phone Number: William F. Benson, Esq. Bingham McCutchen LLP, 150 Federal Street, Boston, MA 02110. Tel:	617-951-8000
(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse) AO 88 (Rev. 1/94) Subpoena in a Civil Case	
PROOF OF	SERVICE
DATE PLAC	E
SERVED May 19,2006 /C	Chelms ford RD North Bilkrica MA MANNER OF SERVICE
SERVED ON (PRINT NAME)	MANNER OF SERVICE
Sean Walsh	Resonal / in-hand
SERVED BY (PRINT NAME)	Personal / in-hand
Chris M. Page	Process Sorver
DECLARATION	OF SERVER
I declare under penalty of perjury under the laws of the United States of America the correct.	at the foregoing information contained in the Proof of Service is true and
Executed on May 19 2006	£ 2-
DATE SIGNA	TURE OF SERVER
//	Beijer St. Bristen MA E2108

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
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# **United States District Court** DISTRICT OF MASSACHUSETTS

Cycle-Craft, Co., Inc., d/b/a Boston Harley-Davidson/Buell

SUBPOENA IN A CIVIL CASE

V.

Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC

CASE NUMBER: Civil Action No. 04-11402 (NMG) **United States District Court District of Massachusetts** 

Jason Marasca TO: c/o Kelly's House of Harley-Davidson 1 Chelmsford Road North Billerica, MA 01862

YOU ARE COMMANDED to appear in the United St above case.	ates District Court at the place, date, and time specified below to testify in the
PLACE OF TESTIMONY	COURTROOM 4
John Joseph Moakley U.S. Courthouse	DATE AND TIME
1 Courthouse Way	May 30, 2006, 9:00 a.m. and continuing from
Boston, MA 02210	day to day
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PLACE OF DEPOSITION	DATE AND TIME
YOU ARE COMMANDED to produce and permit insidate, and time specified below (list documents or objects):	spection and copying of the following documents or objects at the place
PLACE	DATE AND TIME

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YOU ARE COMMANDED to produce and permit inspection of the following	ing premises at the date and time specified below.
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the taking or managing agents, or other persons who consent to testify on its behalf, and may superson will testify. Federal Rules of Civil Procedure, 30(b)(6).	of a deposition shall designate one or more officers, directors et forth, for each person designated, the matters on which the
Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)	Date
All T Beuse Attorney for Defendants	May 16, 2006
Issuing Officer's Name, Address, and Phone Number: William F. Benson, Esq. Bingham McCutchen LLP, 150 Federal Street, Boston, MA 02110. Tel: 617-951-8	000
(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse) AO 88 (Rev. 1/94) Subpoena in a Civil Case	
PROOF OF SERVICE	CE
DATE PLACE	
SERVED Ja 58 n Marasco May 19", 2006 /c SERVED ON (PRINT NAME) MANNI	Chelmotonal Rd N.B.: Merry MA
	Process Server
SERVED BY (PRINT NAME)  TITLE	
Chris M. Page	Process Server
DECLARATION OF SE	RVER
I declare under penalty of perjury under the laws of the United States of America that the foregorrect.	going information contained in the Proof of Service is true and
Executed on May 19 <sup>t</sup> , 2006  DATE  SIGNATURE OF S	L. M. Page
<u>.</u>	on St. Beston, MA 02108

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
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# United States District Court DISTRICT OF MASSACHUSETTS

Cycle-Craft, Co., Inc., d/b/a Boston Harley-Davidson/Buell

SUBPOENA IN A CIVIL CASE

CASE NUMBER: Civil Action No. 04-11402 (NMG)

**United States District Court** 

**District of Massachusetts** 

v.

Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC

TO: Jeffrey Christensen c/o Lee Custom Cycle Co. 118 Calef Highway Lee, NH 03824

PLACE OF TESTIMONY	COURTROOM 4
John Joseph Moakley U.S. Courthouse	DATE AND TIME May 30, 2006, 9:00 a.m. and continuing from
1 Courthouse Way	
Boston, MA 02210	day to day
above case.	nd time specified below to testify at the taking of a deposition in t
PLACE OF DEPOSITION	
YOU ARE COMMANDED to produce and permit inspect date, and time specified below (list documents or objects):	tion and copying of the following documents or objects at the place
PLACE	DATE AND TIME
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Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)	Date
Welle, F. Bewon Attorney for Defendants	May 15, 2006
Issuing Officer's Name, Address, and Phone Number: William F. Benson, Esq. Bingham McCutchen LLP, 150 Federal Street, Boston, MA 02110. Tel: 617-951-	8000
(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse) AO 88 (Rev. 1/94) Subpoena in a Civil Case	
PROOF OF SERVI	CE
DATE S/15/06 PLACE LEI	E CUSTOM CYCLE CO.
SERVED	CALEF HIGHWAY E, NH 03824
	NER OF SERVICE
JEFFREY CHRISTENSEN IN	J HAND
SERVED BY (PRINT NAME)  TITLE	
MARC A. MOSON PR	locess server
DECLARATION OF S	ERVER
I declare under penalty of perjury under the laws of the United States of America that the for correct.	egoing information contained in the Proof of Service is true and
Executed on 5/15/06 M/c	an A. Moron
DATE SIGNATURE OF	•
11 BEA	ACON STREET, BOSTON, MA 02108

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

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# **United States District Court** DISTRICT OF MASSACHUSETTS

Cycle-Craft, Co., Inc., d/b/a Boston Harley-Davidson/Buell

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 1 Civil Action No. 04-11402 (NMG)

**United States District Court** 

**District of Massachusetts** 

V.

Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC

Barry Eisenberg TO:

c/o Cycles 128 107 Brimbal Avenue Beverly, MA 01915

PLACE OF TESTIMONY	COURTROOM 4
John Joseph Moakley U.S. Courthouse 1 Courthouse Way Boston, MA 02210	DATE AND TIME  May 31, 2006, 9:00 a.m. and continuing from day to day
YOU ARE COMMANDED to appear at the place, da above case.	ate, and time specified below to testify at the taking of a deposition in the
PLACE OF DEPOSITION	DATE AND TIME
YOU ARE COMMANDED to produce and permit in date, and time specified below (list documents or objects):	nspection and copying of the following documents or objects at the place
	DATE AND TIME

<sup>&</sup>lt;sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

YOU ARE COMMANDED to produce and permit inspection of the follow	ring premises at the date and time specified below.
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the taking or managing agents, or other persons who consent to testify on its behalf, and may sperson will testify. Federal Rules of Civil Procedure, 30(b)(6).	of a deposition shall designate one or more officers, directors, set forth, for each person designated, the matters on which the
Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)	Date
Will F. Benson Attorney for Defendants	May 16, 2006
Issuing Officer's Name, Address, and Phone Number: William F. Benson, Esq. Bingham McCutchen LLP, 150 Federal Street, Boston, MA 02110. Tel: 617-951-1	8000
(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse) AO 88 (Rev. 1/94) Subpoena in a Civil Case	
PROOF OF SERVI	CE
DATE PLACE	
SERVED May 19, 2006 107 Bris	m bal Are Beverly MA E1915 TER OF SERVICE
SERVED BY (PRINT NAME)  Personal Person	Toral/in-hand
SERVED BY (PRINT NAME)	,
Chris M. Page	Coress Server
DECLARATION OF SE	ERVER
l declare under penalty of perjury under the laws of the United States of America that the fore correct.	egoing information contained in the Proof of Service is true and
Executed on May 19th 2006  DATE	full for
DATE SIGNATURE OF	SERVER
11 Beaco	n St Bosson MA 02108

ADDRESS OF SERVER

LITDOCS/640686.1

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
  - (i) fails to allow reasonable time for compliance;
  - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
  - (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
    - (iv) subjects a person to undue burden.
  - (B) If a subpoena
  - (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
  - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
  - (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified

conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

# **United States District Court** DISTRICT OF MASSACHUSETTS

Cycle-Craft, Co., Inc., d/b/a Boston Harley-Davidson/Buell

SUBPOENA IN A CIVIL CASE

V.

Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC

Wayne Hathaway TO: c/o Kelly's House of Harley-Davidson 1 Chelmsford Road

North Billerica, MA 01862

Civil Action No. 04-11402 (NMG) CASE NUMBER:1 **United States District Court District of Massachusetts** 

YOU ARE COMMANDED to appear in the United Stat above case.	es District Court at the place, date, and time specified below to testify in the
PLACE OF TESTIMONY  John Joseph Moakley U.S. Courthouse  1 Courthouse Way  Boston, MA 02210	COURTROOM 4
	DATE AND TIME May 31, 2006, 9:00 a.m. and continuing from day to day
YOU ARE COMMANDED to appear at the place, date above case.	, and time specified below to testify at the taking of a deposition in the
PLACE OF DEPOSITION	DATE AND TIME
YOU ARE COMMANDED to produce and permit insp date, and time specified below (list documents or objects):	ection and copying of the following documents or objects at the place
PLACE	DATE AND TIME

If action is pending in district other than district of issuance, state district under case number.

# Case 1:04-cv-11402-NMG Document 105-2 Filed 05/19/2006 Page 21 of 26

YOU ARE COMMANDED to produce and permit insp	pection of the followi	ng premises at the date and time specified below.
PREMISES		DATE AND TIME
Any organization not a party to this suit that is subposed in managing agents, or other persons who consent to testify on person will testify. Federal Rules of Civil Procedure, 30(b)(6).	enaed for the taking o	of a deposition shall designate one or more officers, directors, bet forth, for each person designated, the matters on which the
Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)		Date
ALU T. Bewan Attorney for Defendants		May 16, 2006
Issuing Officer's Name, Address, and Phone Number: William F. Benson, Esq. Bingham McCutchen LLP, 150 Federal Street, Boston, MA 02	110. Tel: 617-951-8	000
(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse AO 88 (Rev. 1/94) Subpoena in a Civil Case	e)	
PRO	OF OF SERVIC	<u>ZE</u>
DATE	PLACE	
SERVED MAY 17,200(0 SERVED ON (PRINT NAME)		MSFORD ROAD, NORTH BILLERICA, MA
WAYNE HATHAWAY		HAND
SERVED BY (PRINT NAME)	TITLE	
HIMBERLY A MC CARTHY	PROX	CESS SERVER
DECLAI	RATION OF SE	RVER
I declare under penalty of perjury under the laws of the United States of correct.	of America that the foreg	going information contained in the Proof of Service is true and
Executed on MAY 17, 2006  DATE	SIGNATURE OF S	y A. Mc Carthy Server
	II BEACON	ST, SUITE 720, BOSTON, MA

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
  - (i) fails to allow reasonable time for compliance;
  - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
  - (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
    - (iv) subjects a person to undue burden.
  - (B) If a subpoena
  - (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
  - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
  - (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified

conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Civil Action No. 04-11402 (NMG)

**United States District Court** 

**District of Massachusetts** 

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

# United States District Court DISTRICT OF MASSACHUSETTS

CASE NUMBER:1

Cycle-Craft, Co., Inc., d/b/a Boston Harley-Davidson/Buell

SUBPOENA IN A CIVIL CASE

V.

Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC

TO: Stephen T. Vesey

7 Federal Street, Suite 26 Danvers, MA 01923

YOU ARE COMMANDED to appear in the United States D	strict Court at the place, date, and time specified below to testify	in the
above case.		
PLACE OF TESTIMONY		
	DATE AND TIME	
YOU ARE COMMANDED to appear at the place, date, and above case.	time specified below to testify at the taking of a deposition	in the
PLACE OF DEPOSITION	DATE AND TIME	
YOU ARE COMMANDED to produce and permit inspection date, and time specified below (list documents or objects): See Sci	on and copying of the following documents or objects at the nedule A attached hereto.	place,
PLACE	DATE AND TIME	
John Joseph Moakley U.S. Courthouse Courtroom 4 1 Courthouse Way Boston, MA 02210	May 22, 2006, 9:00 a.m.	

<sup>&</sup>lt;sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

YOU ARE COMMANDED to produce and permit inspection of the following	wing premises at the date and time specified below.
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the takin or managing agents, or other persons who consent to testify on its behalf, and may person will testify. Federal Rules of Civil Procedure, 30(b)(6).	g of a deposition shall designate one or more officers, directors, set forth, for each person designated, the matters on which the
Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)	Date
Willie F Beyon Attorney for Defendants	May 10, 2006
Issuing Officer's Name, Address, and Phone Number: William F. Benson, Esq. Bingham McCutchen LLP, 150 Federal Street, Boston, MA 02110. Tel: 617-951	1-8000
(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)  AO 88 (Rev. 1/94) Subpoena in a Civil Case	
PROOF OF SERV	ICE
DATE PLACE	
SERVED STEODEN T. VESCY 5/10/06 7 FED SERVED ON (PRINT NAME) MAN	ERAL ST, SUITE 26, DANVERS, MA NER OF SERVICE
Stephen T. Vesev IN	HAND
STEPPEN T VESEY IN SERVED BY (PRINT NAME) TITL	E
KIMBERLY A NC CARTHY PRO	OCESS SERVER
DECLARATION OF S	SERVER
I declare under penalty of perjury under the laws of the United States of America that the focorrect.	oregoing information contained in the Proof of Service is true and
Executed on May 10, 2006  DATE  SIGNATURE OF	rly A 3mc Carthy OF SERVER
11 Beac	on St., Suite 720, Boston, MA

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
  - (i) fails to allow reasonable time for compliance;
  - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
  - (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
    - (iv) subjects a person to undue burden.
  - (B) If a subpoena
  - (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
  - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
  - (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified

conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# SCHEDULE A

# **DEFINITIONS AND INSTRUCTIONS**

- The term "document" is defined to by synonymous in meaning and equal A. in scope to usage of the term in Fed. R. Civ. P. 34(a). A draft or non-identical copy is a separate document within the meaning of this term.
- The term "concerning" means referring to, describing, evidencing or В. constituting.
- As used herein, the term "Cycle-Craft refers to Cycle-Craft Co., Inc., its C. present or former officers, directors, employees, agents, representatives, and attorneys.
- For any and all documents produced, the folder in which the document is D. kept in the ordinary course of business shall be produced.
- E. For any and all documents responsive to these requests which are withheld on the grounds of privilege, or for any other cause, provide an index of the withheld documents which identifies the reason for non-production, the date of the document, and an identification of the document, including but not limited to the names of the authors and recipients of the document and the subject of the communication.

## DOCUMENT REQUESTS

- All state and federal income tax returns filed by or on behalf of Cycle-1. Craft for the tax year 2005.
- All financial statements, work papers, draft financial statements, trial balances and general ledgers prepared by or for Cycle Craft for 2005.